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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,037	04/29/2001	Bruce Willard Hultgren	4314.61US01	4307
23552	7590	06/08/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SALAD, ABDULLAHI ELM I	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/846,037

**Applicant(s)**

HULTGREN ET AL.

**Examiner**

Salad E. Abdullahi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-45 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**Response to Amendment**

1. The response filed on 3/18/2005 with respect to claims 1-45 has been received and made of record.
2. Applicant's argument with respect claims 1-6 has been fully considered but is moot in view of new grounds of rejection.

***Allowable Subject Matter***

3. Claims 9-45 are allowed.
4. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al., U.S. Patent No. 6,608,628.

As per claim 1, Ross discloses a method for providing electronic delivery of electronic model images, the method comprising:

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generating one or more electronic model images, a portion of the electronic model images being generated from scanned electronic data of a physical object (see fig. 2 and col. 5, lines 3-17);

storing the electronic model images within computer readable memory of a server-based computing system (see fig. 2 and col. 6, lines 1-40);

delivering the electronic model images to a remote client computer over a distributed communications network (see fig. 12 a and col. 10, lines 53-65);

manipulating the electronic model images upon the remote client computer; and

performing analysis and a course of action using the manipulated electronic model images (see col. 13, lines 13, lines 11-44);

wherein the electronic model images comprise in part a polygonal mesh representation of the physical object (see fig. 6a and col. 7, lines 26-43).

As per claim 2, Ross discloses the method according to claim 1, wherein the method further comprises: generating a new electronic model image using the manipulated electronic model image (see col. 13, lines 13, lines 11-44).

As per claim 3, Ross discloses the method according to claim 2, wherein the method further comprises: storing the electronic model images within computer readable memory of the remote client computer (see fig. 2 and col. 6, lines 1-40).

As per claim 4, Ross discloses the method according to claim 1, wherein the generating

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one or more electronic model images comprises: combining the polygonal mesh representation of the physical object with one or more electronic model image of a different type that is related to the physical object (see fig. 6a and col. 7, lines 26-43).

As per claim 5, Ross discloses the method according to claim 4, wherein the one or more electronic model image of a different type comprise one or more of the following types of digital images: scanned x-ray images, scanned photographic images, and computer generated images (see fig. 2 and col. 5, lines 3-17).

As per claim 6, Ross discloses the method according to claim 1, wherein the distributed computer network comprises the Internet (see fig. 12a).

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdulahi Salad  
Examiner AU 2157  
5/30/2005